



Auckland
Regional Council
TE RAUHĪTANGA TAIAO

LOCAL GOVERNMENT (AUCKLAND) AMENDMENT ACT 2004

RESOURCE MANAGEMENT ACT 1991

**DECISION REPORT OF THE
AUCKLAND REGIONAL COUNCIL**

**ARC 7 – METROPOLITAN URBAN LIMITS
GENERAL ISSUES**

Decision Regarding:

- **Proposed Change 6 to the Auckland Regional Policy Statement**

On 14 June 2007 the Auckland Regional Council adopted the recommendations of the Joint Regional Policy Statement and District Plan Changes Hearings Panel in relation to Proposed Change 6 to the Auckland Regional Policy Statement.

The recommendations in this report have been adopted as the decisions of the Auckland Regional Council.

31 July 2007

**Index of submissions and further submissions addressed in Report ARC 7
Metropolitan Urban Limits – General Issues**

Rec. Rpt s5: sub-section no.	Sub. No.	Submitter Name	Supported by	Opposed by	Hearing Report Section No.
11	290/1	Ardmore Airport Limited	289 Auckland International Airport Limited	107 Westfield (New Zealand) Limited 257 Waitakere City Council	5.11
21	290/3	Ardmore Airport Limited	257 Waitakere City Council	257 Waitakere City Council	5.21
10	289/1	Auckland International Airport Limited	257 Waitakere City Council	257 Waitakere City Council	5.10
14	289/5	Auckland International Airport Limited			5.14
14	258/3	Auckland Regional Transport Authority	257 Waitakere City Council		5.14
5	117/3	Barton Growers Ltd		257 Waitakere City Council	5.5
9	1114/25	Britta Hietz	1240 Tim Cassidy 1209 Michael John Wade 1239 Oruawhara Marae Trust Board	257 Waitakere City Council 1239 Oruawhara Marae Trust Board	5.9
3	60/1	Clevedon Presbyterian Church			5.3
4	322/2	Don McKenzie		257 Waitakere City Council	5.4
1	72/5	Edison Limited		86 Cornerstone Ltd	5.1
7	31/1	Elizabeth Collins	257 Waitakere City Council	257 Waitakere City Council	5.7
3	179/1	Graham and Valerie Cammell			5.3
1	220/1	Henderson Family Trust		107 Westfield (New Zealand) Limited 108 Progressive Enterprises Limited 254 North Shore City Council 259 Transit New Zealand 256 Rodney District Council	5.1
4	71/1	Henry B Norcross	289 Auckland International Airport Limited 202 Te Uri O Hau & NZ Land Trust Joint Venture	107 Westfield (New Zealand) Limited 95 Housing New Zealand Corporation (1) 257 Waitakere City Council 108 Progressive Enterprises Limited 204 The Waitakere Ranges Protection Society Incorporated	5.4
4	321/2	Hounslow Holdings Limited		257 Waitakere City Council	5.4
6	13/2	John Birkbeck			5.6
3	158/1	John Procter			5.3
15	294/23	Jon Mapes Land Solution Ltd (representing 16 parties)	277 JM Hayman	257 Waitakere City Council 277 JM Hayman	5.15
8	15/1	Karaka Park Limited	257 Waitakere City Council	257 Waitakere City Council	5.8
8	15/2	Karaka Park Limited			5.8
21	50/2	Kay and Shaun Wilkinson		95 Housing New Zealand Corporation (1) 254 North Shore City Council	5.21
4	318/1	M.L.W Adams Family			5.4

**Index of submissions and further submissions addressed in Report ARC 7
Metropolitan Urban Limits – General Issues**

Rec. Rpt s5: sub-section no.	Sub. No.	Submitter Name	Supported by	Opposed by	Hearing Report Section No.
		Trust	257 Waitakere City Council	257 Waitakere City Council	
12	318/3	M.L.W Adams Family Trust		257 Waitakere City Council	5.12
15	253/20	Manukau City Council	277 JM Hayman	308 Caroline Greig 257 Waitakere City Council	5.15
20	253/43	Manukau City Council	277 JM Hayman 294 Jon Mapes Land Solution Ltd (representing 16 parties)	107 Westfield (New Zealand) Limited 108 Progressive Enterprises Limited	5.20
19	59/2	Morningstar Enterprises Limited	1208 Perron Developments Limited ("Perron")	208 Sylvia Park Business Centre Limited	5.19
4	320/2	NSI Limited		257 Waitakere City Council	5.4
14	255/53	Papakura District Council	257 Waitakere City Council 258 Auckland Regional Transport Authority		5.15
16	256/14	Rodney District Council	107 Westfield (New Zealand) Limited 108 Progressive Enterprises Limited	257 Waitakere City Council	5.16
3	124/1	The James Trust	294 Jon Mapes Land Solution Ltd (representing 16 parties)	107 Westfield (New Zealand) Limited 108 Progressive Enterprises Limited	5.3
1	91/31	Top Enterprise Group		107 Westfield (New Zealand) Limited 108 Progressive Enterprises Limited	5.1
14	259/25	Transit New Zealand	257 Waitakere City Council	264 Centre for Urban and Transport Studies 157 Federated Farmers of New Zealand (Inc)	5.14
3	125/1	Tunic Investments Ltd		107 Westfield (New Zealand) Limited 108 Progressive Enterprises Limited	5.3
11	257/19	Waitakere City Council	76 Ivan & Milka Selak 74 Roy Wigg 75 Steve Nuich 1210 Rob Garden 205 Fulton Hogan Limited (1) 204 The Waitakere Ranges Protection Society Incorporated	258 Auckland Regional Transport Authority	5.11
13	257/25	Waitakere City Council	95 Housing New Zealand Corporation (1) 196 Winstone Aggregates 204 The Waitakere Ranges Protection Society Incorporated 284 Oratia Landowners Action Group	1226 Titirangi Residents for Balanced	5.13
16	257/27	Waitakere City Council	95 Housing New Zealand Corporation	1226 Titirangi Residents for Balanced	5.16

**Index of submissions and further submissions addressed in Report ARC 7
Metropolitan Urban Limits – General Issues**

Rec. Rpt s5: sub-section no.	Sub. No.	Submitter Name	Supported by	Opposed by	Hearing Report Section No.
			(1) 204 The Waitakere Ranges Protection Society Incorporated		
16	257/28	Waitakere City Council	204 The Waitakere Ranges Protection Society Incorporated	1226 Titirangi Residents for Balanced	5.16
17	257/31	Waitakere City Council	95 Housing New Zealand Corporation (1) 76 Ivan & Milka Selak 74 Roy Wigg 193 Contact Energy Limited 75 Steve Nuich		5.17
3	178/1	Walmsley Rd Holdings Ltd			5.3
9	20/1	Waterside Group Developments Limited	<i>257 Waitakere City Council</i>	107 Westfield (New Zealand) Limited 108 Progressive Enterprises Limited <i>257 Waitakere City Council</i>	5.9
16	20/3	Waterside Group Developments Limited		107 Westfield (New Zealand) Limited 257 Waitakere City Council 108 Progressive Enterprises Limited	5.16
20	20/9	Waterside Group Developments Limited		107 Westfield (New Zealand) Limited 108 Progressive Enterprises Limited	5.20
18	165/1	Whitford Residents & Ratepayers Association			5.18
18	165/2	Whitford Residents & Ratepayers Association			5.18
18	165/3	Whitford Residents & Ratepayers Association			5.18
2	46/1	Wilhelmus T van der Kraay		257 Waitakere City Council	5.2
2	181/5	William Calvert and John Calvert		107 Westfield (New Zealand) Limited 108 Progressive Enterprises Limited 257 Waitakere City Council	5.2
2	181/10	William Calvert and John Calvert		107 Westfield (New Zealand) Limited 108 Progressive Enterprises Limited 257 Waitakere City Council	5.2

RECOMMENDATION REPORT OF THE JOINT HEARINGS PANEL TO THE PLAN CHANGES NOTIFIED IN ACCORDANCE WITH THE LOCAL GOVERNMENT (AUCKLAND) AMENDMENT ACT 2004 AND THE RESOURCE MANAGEMENT ACT 1991

AUCKLAND REGIONAL POLICY STATEMENT PROPOSED CHANGE 6

ARC 7 – METROPOLITAN URBAN LIMITS – GENERAL ISSUES

1 OUTLINE

This report is part of a series of reports that contain the recommendations of the Joint Regional Policy Statement and District Plan Changes Hearings Panel (“the Panel”) following consideration of submissions and further submissions received in relation to the Metropolitan Urban Limits issues in the Auckland Regional Policy Statement Proposed Change 6 (“RPS Change 6”). This report does not deal with Metropolitan Urban Limits issues in relation to the Hobsonville and Massey North areas – these are addressed in Recommendation Report ARC 8. Other submissions and further submissions to RPS Change 6 are dealt with in additional topic based recommendation reports.

The Panel was jointly appointed by the councils of the region under the Local Government (Auckland) Amendment Act 2004 (“the LGAAA”). Following consideration of all the submissions and supporting evidence presented and/or tabled by the submitters and further submitters at the hearings, and the reporting officer’s report, the Panel now makes the recommendations contained in this report to the Auckland Regional Council (“ARC”).

To reiterate, this report contains the **recommendations** to Council of the Panel on submissions that have been made during the course of the hearings. **It is not the decision of the Council.**

The suggested amendments to the Auckland Regional Policy Statement (“RPS”) arising from the Panel recommendations discussed throughout this report are set out in the Panel Recommendation Version of RPS Change 6, which forms Appendix 1 to this report. Appendix 1 incorporates the amendments to RPS Change 6 resulting from all of the Panel’s recommendations.

2. BACKGROUND

RPS Change 6 was notified on 31 March 2005 as a mandatory requirement of the LGAAA.

The LGAAA mandates that all councils in the Auckland Region integrate their land transport and land use provisions and ensure these are consistent with the Auckland Regional Growth Strategy (“RGS”), give effect to its Growth Concept and contribute to the land transport and land use matters specified in Schedule 5 (s39 & s40 LGAAA). This is, in effect, the purpose of RPS Change 6.

The matters that the LGAAA requires to be included in changes to statutory documents support the purpose of the Resource Management Act 1991 (“RMA”) in promoting sustainable management of natural and physical resources.

Auckland Regional Policy Statement Proposed Change 6 amends the text of Chapter 1– Introduction, Chapter 2 – Regional Overview and Strategic Direction, and Chapter 4 – Transport and Appendix A and D, to give effect to the LGAAA. RPS Change 6 incorporates the Growth Concept into the RPS and provides a policy framework for the location and density of urban, rural, coastal towns and countryside living growth throughout the region. The Change also introduces a schedule identifying areas suitable for accommodating further urban development, with reference to desired densities of development.

3. THE PANEL AND THE HEARINGS PROCESS

3.1 The Joint Hearings Panel

The Panel was comprised of the following members:

Cr Paul Walbran (Chair)
Cr Wyn Hoadley (Deputy Chair)
Cr Carolynne Stone
Cr Neil Morrison
Cr Bill Smith
Lindsey Rea
David Hill
Alan Watson

The members of the Panel included regional councillors, city and district councillors, a community board chairperson and two independent commissioners.

The councils of the region jointly delegated to the Panel their powers, functions and duties to hear submissions and make recommendations (under s41(1) and (2) LGAAA, and s24A RMA) on the following 15 proposed plan changes:

Auckland Regional Policy Statement

Proposed Change 6 - Giving Effect to the Regional Growth Concept and Integrating Landuse and Transport.

Proposed Change 7 – Metropolitan Urban Limits

Auckland City District Plan –

Operative Isthmus Section
Proposed Plan Modification 175 - Giving Effect to the Regional Growth Concept

Franklin District Plan

Proposed Plan Change 20 - Changes Pursuant to Local Government (Auckland) Amendment Act 2004.

Manukau City District Plan

Proposed Plan Change 12 – Manukau's Growth.

North Shore City District Plan

Proposed Plan Change 12 - Redraft of parts of the North Shore City District Plan - Required by the Local Government (Auckland) Amendment Act 2004.

Papakura District Plan

Proposed Plan Change 10 – ARPS Changes to the Operative District Plan.

Rodney District Plan

Proposed Variation 22 to the Proposed District Plan 2000
Proposed Plan Change 97 to the Operative Transitional District Plan 1993.

Waitakere City District Plan

Proposed Plan Change 13 – Hobsonville Airbase;
Proposed Plan Change 14 – Hobsonville Village Centre;
Proposed Plan Change 15 – Massey North;
Proposed Plan Change 16 – Managing City Growth;
Proposed Plan Change 17 – New Lynn;
Proposed Plan Change 18 – City Wide Urban Design Rule

3.2 The Hearings Process

The proposed plan changes were notified by local authorities by 31 March 2005, in accordance with section 39 of the LGAAA. Given the number of proposed plan changes and the predicted volume of submissions to be dealt with, the Panel agreed that submissions were to be separated into categories. The categories used are detailed in the following table:

Category	Topic	Number of Submissions	Number of submitters and further submitters
A	General Growth	1575	266
B	Infrastructure / Natural Resources / Rural / Countryside Living	1098	174
C	Business Issues & Retail Location	290	93
D	Transport	534	115
E	MUL Issues (Not Hobsonville/Massey North)	79	85
F	Housing Lobby Identical Submissions	996	520
G	Swanson / Penihana	251	229
H	MUL Hobsonville and Massey North	1041	197
I	New Lynn	332	48
J	Urban Design WCC 18	281	32
K	Howick	60	29
M	ARC Miscellaneous	8	32
W	WCC 16 & 18 (Miscellaneous)	20	12
TOTAL		6565	1832

Hearing Reports were generated by each local authority in the region under Schedule 1 of the RMA for each category – 50 reports in total. Public hearings were notified and held for each category, addressing all submissions deemed by the relevant Hearing Reports to fall within that category. In total, there were 46 hearing days, commencing on 27 April 2006. A further 12 days were utilised for site visits and deliberations. The Panel allocated time at the end of each hearing day to conduct preliminary deliberations. Additionally, more in-depth interim deliberations were held at the end of each topic. The last day of deliberations following the hearings was on 21 May 2007.

The Panel obtained legal advice in relation to the scope of the hearings process and other key issues raised prior to and during the hearings.

In forming its recommendations, the Panel focussed on the purpose of the LGAAA – to integrate land use and land transport provisions to ensure consistency with the growth strategy, give effect to its Growth Concept and contribute to the matters specified in Schedule 5 of the LGAAA. Under the legislation, local authorities were mandated to notify changes to the RPS and all District Plans to achieve this purpose – a substantial process.

The LGAAA came into effect on 1 July 2004 and notification of changes was required from all local authorities by 31 March 2005. It is relevant that, while District Plans are required to give effect to the RPS, the proposed changes to the RPS were notified at the same time as the proposed amendments to the District Plans.

Due to the relatively short timeframe and substantial changes envisaged by the LGAAA, there has been a mixed approach from local authorities, with different levels of detail reflected in the various proposed plan changes. This had the potential to frustrate the purpose of the LGAAA in terms of achieving integration across planning documents. Given the ambitious task set by the LGAAA, the Panel has taken the decision to concentrate its efforts on ensuring the RPS gives effect to the Growth Concept and meets the purpose of the LGAAA. The Panel considers that, once the RPS reflects the aims of the LGAAA, the District Plans will be required to give effect to the RPS and consequential amendments to the Plans will follow accordingly.

The Panel noted that many of the submissions focussed only on the plan changes and variations notified under the LGAAA. These changes were in many instances “filling the gaps” that existed in the current planning documents. When considering the Panel’s recommendations it is necessary to take into account the changes notified under the LGAAA, the existing District Plans, and other changes that have been notified both before and during the LGAAA process. The Panel was advised that work that each council currently has in train provides an indication of each council’s longer term plans.

The Panel also noted that many of the submissions lodged under the LGAAA were made in respect of the RPS and simply stated that the District Plans should be amended to reflect any changes to the RPS. The Panel considers that the issues raised in these submissions are best addressed after local authorities release the decision reports and any appeals to RPS Change 6 and RPS Change 7 are concluded. It will then be clear to what the District Plans must give effect.

This approach was not universal across the region or for all issues raised by the submissions. Some proposed District Plan changes were substantial, for example, those put forward by Waitakere City. In such cases, the Panel has dealt with the proposed changes in the same level of detail as the proposed RPS changes.

The Panel considers that the approach outlined above is practical and realistic, and will give local authorities time to prepare the necessary changes and carry out consultation with local communities. Ultimately, the objectives of the LGAAA can best be achieved by allowing the process in respect of the RPS to run its course, with subsequent amendments to District Plans in the context of a clear and robust RPS. Legal advice to the Panel has confirmed this approach.

3.3 Evidence

The Panel has received extensive and detailed evidence from submitters during the hearings process. The Panel has carefully considered this evidence and the substantial number of submission points put before it. This recommendation report does not attempt to comprehensively summarise each submission point and/or piece of evidence as this would result in an unduly lengthy report without substantially adding to the recommendations.

3.4 Integration

A key element of the LGAAA is the requirement for “integration” in a number of aspects. These include “giving effect, in an integrated manner, to the growth concept” and “contributing, in an integrated manner, to the matters specified in schedule 5”. Changes that seek to achieve these requirements must, in relation to each other, be integrated (s40 LGAAA). Schedule 5 also refers to “facilitating integrated transport management”, and “integrating transport and land use policies”.

Integration is therefore required within each of the planning instruments, and across all planning instruments in the Auckland Region. The Panel recognises the importance of integration to the LGAAA process and has been very mindful of this in its deliberations.

The Panel has made a number of recommendations on matters which provide integration across the planning documents, for example the recommendations to include material on the following:

- recommendations in relation to corridors
- recognition of regionally significant infrastructure
- integrated transport assessments
- Appendix H on densities required to support public transport

These, and other matters, are discussed further in the Panel Key Issues Recommendation Report.

4 PANEL KEY ISSUES RECOMMENDATION REPORT

In response to the extensive detail and evidence presented, the Panel has produced a Panel Key Issues Recommendation Report (the “Key Issues Report”) setting out its direction on the issues it considers to be key to the LGAAA process. This report is overarching of issues and is not separated into different categories, as with the recommendation reports. The recommendation reports for each proposed plan change and category refer back to the Key Issues Report where it assists in providing the context for specific recommendations.

The Key Issues Report is attached to and forms part of this recommendation report, and should be taken to comprise Section 4 of this report. It should be read in conjunction with Section 5 – Discussion and Recommendations.

5 DISCUSSION AND RECOMMENDATIONS

The following discussion is the Panel's recommendation, having considered all the submissions and further submissions, both within the reporting officer's report and presented and/or tabled at the hearings.

Abbreviations Used In This Report

Auckland Regional Policy Statement – ARPS / RPS
 Auckland Regional Growth Strategy – RGS
 Integrated Catchment Management Plan – ICMP
 Local Government (Auckland) Amendment Act 2004 – LGAAA
 Metropolitan Urban Limit – MUL
 Regional Land Transport Strategy - RLTS
 Regional Open Space Strategy – ROSS
 Resource Management Act 1991 – RMA
 Territorial Authorities – TA / TAs

1 Whole RPS Change Additional Areas for Urban Growth – Rodney District Council

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
91/31	Top Enterprise Group	Amend the RPS Change to provide for the submitters site in Silverdale (Lot 2 DP 74321) as a site able to be utilised for urban activities involving a café/shop now. Or Provide additional areas for industrial/business growth in Silverdale including the submitter's land (Lot 2 DP 74321) that will meet the needs of the submitter without the need for a new structure plan process.	Opposed By: 107 Westfield (New Zealand) Limited 108 Progressive Enterprises Limited
220/1	Henderson Family Trust	Amend the Plan Change to include an additional map extending the Metropolitan Urban Limits for Hatfields Beach as shown on the plan attached to the submission.	Opposed By: 107 Westfield (New Zealand) Limited 108 Progressive Enterprises Limited 254 North Shore City Council 259 Transit New Zealand 256 Rodney District Council
72/5	Edison Limited	Seeks that no MUL extension in Rodney for industrial purposes be considered until the RDC has properly completed a comprehensive industrial strategy and met the criteria set out in proposed Policy 2.6.2(2) of the RPS.	Opposed By: 86 Cornerstone Ltd

Discussion:

Transit New Zealand (**259**) tabled evidence at the hearing, expressing support for the reporting officer's recommendation in relation to submission 220/1.

Submissions **91/31** and **220/1** seek to amend the RPS to allow site-specific urban development and areas beyond the southern and eastern MUL boundary of the Rodney District. It is considered inappropriate to accept the submissions for the following reasons:

1. Re-zoning to allow urban activity beyond the RDC MUL, is a matter specifically for the RDC to assess and analyse against relevant criteria of their District Plan. This assessment will necessarily have cognisance to the strategic direction, objectives and policies of the RPS as they relate to urban containment within the MUL;

2. The alternative relief sought by this submission effectively seeks to delete Method 2.6.3.3 vii [now 2.6.3.3 vi]. – *Matters set out in Appendix A: Structure Planning*. Structure planning must precede a shift to the MUL to ensure that potential impacts and requirements of any future areas of development, are adequately considered, robustly analysed, planned for and sequenced/coordinated over that planning period. This process requirement is also in accordance with and satisfies the purpose and principles of both the Act and the RMA.
3. Submission **220/1** seeks to change the maps of the RPS to extend the MUL to include Hatfields Beach up to the eastern side of the SH1 extension under construction. The MUL shift proposed by this submission has not been included or considered in the development of Schedule 1 of the ARPS. Hence it has not been considered through the North & Western Sector Agreement – a non-statutory document by which RDC, NSCC and WCC agree on the appropriate means to provide for growth, its sequencing and timing; in accordance with the RGS. The proposed shift has not been tested as appropriate or supported/accepted for promulgation by the RDC or the ARC, against the relevant criteria of the RPS, in particular policies 2.6.2, methods 2.6.3 and reasons 2.6.4. Until such time as this analysis has been undertaken, it would be inappropriate to accept this request and pre-empt an MUL shift in this location.

Submission **72/5** seeks to limit any MUL extensions within the Rodney District, as above, until the criteria of Policy 2.6.2(2) are met and a comprehensive industrial strategy has been completed. Any proposed extension to the MUL (in any District and/or for any purpose) requires a proposed plan change to the ARPS in accordance with the process outlined in Schedule 1 of the Resource Management Act 1991 and must meet the criteria of Policy 2.6.2(2). The concerns of submitter **72/5** are considered to be adequately satisfied by existing policy.

As discussed in section 4.1.2 of the Key Issues Report (which forms section 4 of this report), the Panel recommends that site specific applications to move the MUL, made without sufficient and comprehensive information, should not be considered through this LGAAA process. It is suggested that submitters refer such requests to their council for consideration in the context of the relevant sector agreement.

RECOMMENDATION:

- 5.1 The Panel recommends:
 - 5.1.1 Submissions **220/1** and **91/31** are rejected.
 - 5.1.2 Submission **72/5** is accepted in part with no changes to the ARPS recommended as a result.
- 5.2 That the further submissions made in opposition to the submissions noted in 5.1 above, are accepted or rejected in whole or in part, accordingly.

2 Whole RPS Change Additional Areas for Urban Growth – Waitakere City Council

N0.	Submitter	Summary of Decision Sought	Further Submitter/s
181/10	William Calvert and John Calvert	Amend the RPS Change 6 and the Map Series to include the map attached to the submission showing an extension of the Metropolitan Urban Limit to take in the Crows Road Urban Concept Area.	Opposed By: 107 Westfield (New Zealand) Limited 257 Waitakere City Council
181/5	William Calvert and John Calvert	Amend 2.3 (Specific new areas earmarked for growth, Page 2-5) to insert "Crows Road Urban Concept Plan Area " to the list of selected areas for urbanisation.	108 Progressive Enterprises Limited
46/1	Wilhelmus T van der Kraay	Seeks an amendment to RPS Map Series 1 Sheet 9 to include the area from Tasman Avenue to Sturges Road along the whole Simpson Road ridge within the Metropolitan Urban Limits. (Henderson Valley)	Opposed By: 257 Waitakere City Council

Discussion:

The MUL shifts proposed by submissions **181/10**, **181/5** and **46/1** have not been included or considered in the development of Schedule 1 of the ARPS. Hence it has not been considered through the North & Western Sector Agreement – a non-statutory document by which RDC, NSCC and WCC agree on the appropriate means to provide for growth, its sequencing and timing; in accordance with the RGS. The proposed shift has not been assessed as appropriate against the relevant criteria of the RPS, in particular policies 2.6.2, methods 2.6.3 and reasons 2.6.4; nor supported/accepted for promulgation under the RMA by WCC or the ARC. Until such time as this analysis has been undertaken, it would be inappropriate to accept this request and pre-empt an MUL shift in these locations.

As discussed in section 4.1.2 of the Key Issues Report (which forms section 4 of this report), the Panel recommends that site specific applications to move the MUL, made without sufficient and comprehensive information, should not be considered through this LGAAA process. It is suggested that submitters refer such requests to their council for consideration in the context of the relevant sector agreement.

RECOMMENDATION:

5.3 The Panel recommends:

5.3.1 Submissions **181/10**, **181/5** and **46/1** are rejected.

5.4 That the further submissions made in opposition to the submissions noted in 5.3 above are accepted.

3 Whole RPS Change Additional Areas for Urban Growth – Manukau City Council

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
60/1	Clevedon Presbyterian Church	Amend RPS to provide for the future development of the Clevedon Presbyterian Church land of 20 acres approximately 1.5 km from Clevedon Village, towards Papakura.	
124/1	The James Trust	Amend MUL to include the parcels of land in Puhinui Rd and Price Rd as shown in the submission.	Supported By: 294 Jon Mapes Land Solution Ltd (representing 16 parties) Opposed By: 107 Westfield (New Zealand) Limited 108 Progressive Enterprises Limited
125/1	Tunic Investments Ltd		Opposed By: 107 Westfield (New Zealand) Limited 108 Progressive Enterprises Limited
158/1	John Procter	Amend to include 20 ha of land at 125 Walmsley Rd Mangere as land for urban development.	
178/1	Walmsley Rd Holdings Ltd	Amend the RPS Change to provide for development of submitter's land in Walmsley Rd Mangere (as described in plans and attached background information attached to	

		the submission) (see also Submission 20 Waterside Group Developments Limited).	
179/1	Graham and Valerie Cammell	Amend the RPS Change to provide for development of submitter's land in Walmsley/Favona Rds Mangere (see also Submission 20 Waterside Group Developments Limited).	

Discussion:

The James Trust (**124**) and Tunic Investments Ltd (**125**) presented joint evidence at the hearing in support of their above submissions to include the submitters' land within the MUL for future development as business land, and opposing the reporting officer's recommendations as they related to their submissions. Reasons cited in support of the submitters' views included:

- access and roading are suitable to enable development
- proximity to Auckland Airport
- proximity and transport links to Manukau City Centre and adjacent business zones
- availability and demand
- topography
- the proposed extension is consistent with the requirements of Policy 2.6.2.2 of RPS Change 6

The MUL shifts proposed submissions **124/1**, **125/1**, **178/1** and **179/1** have not been included or considered in the development of Schedule 1 of the ARPS. The proposed shifts have not been tested as appropriate against the relevant criteria of the RPS, in particular policies 2.6.2, methods 2.6.3 and reasons 2.6.4; or supported/accepted for promulgation under the RMA, by the MCC or the ARC. Until such time as this analysis has been undertaken, it would be inappropriate to accept this request and pre-empt an MUL shift in these locations.

Additionally, the Walmsley Rd and Favona Rd area referred to in submissions **158/1**, is within the MUL and is identified as part of that area in the RGS growth concept as an area for 'future urban' development. No further action is required on this particular point of this submission.

Submissions **178/1** and **179/1** further raise concerns about the need for the development and therefore costs associated with the development of an ICMP, and it is assumed the consequent Network Discharge Consent (NDC) as a prerequisite of the MUL shift. These consents are generally processed concurrently with the RPS and District Plan changes. Method 2.6.3.3 ii. and iii, requires the preparation of an ICMP to support the Manukau City Council's NDC for that catchment affected by the proposed MUL shift. This ensures that all relevant matters relating to the impact of the MUL shift and future urban development are appropriately considered and addressed. It is appropriate that TA's undertake and manage this work in meeting the objectives of this Act and in particular the RMA.

Submission **60/1** effectively seeks a re-zone of a specific area of land currently outside the MUL, to enable church activities in the current rural zone. The RPS provides a regional overview to urban containment and appropriate activities within the region's rural areas, through a strategic policy framework. It is appropriately the mandate of MCC to consider this submitters' specific request, being cognisant of this strategic framework and against the relevant decision-making framework available to it under the RMA through their district plan.

As discussed in section 4.1.2 of the Key Issues Report (which forms section 4 of this report), the Panel recommends that site specific applications to move the MUL, made without sufficient and comprehensive information, should not be considered through this LGAAA process. It is suggested that submitters refer such requests to their council for consideration in the context of the relevant sector agreement.

RECOMMENDATION:

5.5 The Panel recommends:

5.5.1 Submissions **60/1**, **124/1**, **125/1**, **158/1**, **178/1** and **179/1** are rejected.

5.6 That the further submissions made in support of or in opposition to the submissions noted in 5.5 above, are accepted or rejected in whole or in part, accordingly.

4 Whole RPS Change Urban Activities Outside the MUL

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
71/1	Henry B Norcross	Amend to permit certain urban development outside the MUL without the need to change the MUL boundaries.	Supported By: 289 Auckland International Airport Limited 202 Te Uri O Hau & NZ Land Trust Joint Venture Opposed By: 107 Westfield (New Zealand) Limited 95 Housing New Zealand Corporation (1) 204 The Waitakere Ranges Protection Society Incorporated 257 Waitakere City Council 108 Progressive Enterprises Limited
318/1	M.L.W Adams Family Trust	Amend the Plan Change to provide enough flexibility to enable innovative discrete developments outside of the MUL that enable people to meet their economic and social needs provided that they sustain the natural and physical resources of the region.	Support and Opposed By: 257 Waitakere City Council
320/2	NSI Limited	Amend the Plan Change to include provisions which require the ARC to actively work with territorial local authorities to initiate and pursue the regional and district planning procedures necessary for the sustainable development of residential activity and other sustainable development outside the MUL.	Opposed By: 257 Waitakere City Council
321/2	Hounslow Holdings Limited		
322/2	Don McKenzie		

Discussion:

Henry B Norcross (71) presented evidence in support of submission 71/1. The evidence cited the Environment Court case of *Auckland Regional Council v Waitakere City Council*, where an appeal against the granting of land use consent for a food processing operation 600m outside the present MUL boundary was dismissed. In the submitter's view, urban development represented the most efficient use of part of their land.

It is considered that granting the relief sought in submission 71/1 would be contrary to the strategic policy framework of the RPS (objectives and policies) as it relates to urban containment; but in particular Policies 2.6.11.1 and 2.6.2 which specifically seeks to contain urban activities within the MUL and limits of the rural and coastal settlements. Similarly, submission 318/1 is rejected on this basis – given that the policy framework of the RPS guides the development of District Plans in providing for appropriate development meeting sustainable development principles both within the MUL and in rural and coastal settlements.

Submissions 320/2, 321/2 and 322/2 seek sustainable development principles applied to regional and district planning procedures as they relate to residential and other activities outside the MUL. One of the key features of the Growth Concept, now given effect to by the proposed changes to the RPS, is that

"...most future growth is within existing metropolitan area, with development outside the current urban area only where environmental, accessibility and community principles can be met"

The ARC and TAs of the Auckland region are also already guided by the sustainable development principles of this Act and the RMA, in the development of its policy documents. It is therefore considered unnecessary to make the changes suggested by these submitters.

The Panel acknowledges the concerns of submitters that may be affected by the definition of “urban activities” within RPS Change 6, and Policy 2.6.11.1g which seeks to limit urban activities outside the MUL in order to avoid adverse effects on the environment and the regional roading network. Policy 2.6.11.1g and the definition (“urban activities”) are primarily intended to control cumulative effects of urban activities in the rural area and the gradual urbanisation of the rural area. The effects-based, case-by-case approach of RMA implementation/practice has not proven effective in dealing with these cumulative effects and there is a need for a more directive but less prohibitive approach than that proposed in RPS Change No. 6 (as notified). The Operative RPS contains a definition for “urban development”. Urban development is a concept that has been tested and supported by case law and assists in determining thresholds in terms of scale. The definition of “urban development” has been deleted. The new definition of urban activities sets out the key elements of such activities and encompasses development that occurs within the urban environment, utilising the previous urban development definition.

RECOMMENDATION:

5.7 The Panel recommends:

5.7.1 Submissions **71/1**, **318/1**, **320/2**, **321/2** and **322/2** are rejected.

5.8 That the further submissions made in support of or in opposition to the submissions noted in 5.7 above, are accepted or rejected in whole or in part, accordingly.

5 Whole RPS Change Future Urban Activities Inside the MUL

N0.	Submitter	Summary of Decision Sought	Further Submitter/s
117/3	Barton Growers Ltd	Amend Plan Change 6 to avoid the need for the preparation of Integrated Catchment Management Plans as a prerequisite to rezoning in an existing urban area currently zoned ‘Future Urban Development’ (see also submission 117/5).	Opposed By: 257 Waitakere City Council

Discussion:

Submission **117/3** refers to Clause 2.6.3 3ii) and iii) of Plan Change 6.

Integrated Catchment Management Plans (ICMP) are a prerequisite to be satisfied by the promulgator of the MUL shift – Council, Minister of the Crown or ARC; to ensure all existing resources (air, land and water) of a future urban development area:

- a) have appropriate capacity to accommodate and cope with the proposed residential or industrial or other growth and development, over the relevant planning period’
- b) are benchmarked in terms of quality, enabling future monitoring and ongoing management of the quality of that environment; and
- c) all resources together, are used efficiently and effectively in accordance with the principles of the Act and the RMA.

The ICMP and subsequent Network Discharge Consents (NDC) further enable TAs to manage environmental effects on a catchment by catchment basis, to achieve the above objectives. On this basis, it would be inappropriate and contrary to the purpose and principles of this Act and the RMA to accept this submission.

RECOMMENDATION:

5.9 The Panel recommends:

5.9.1 Submission **117/3** is rejected

5.10 That the further submission made in opposition to the submission noted in 5.9 above, is accepted.

6 Whole RPS Change Oppose Creeping Urbanisation

N0.	Submitter	Summary of Decision Sought	Further Submitter/s
13/2	John Birkbeck	Opposes creeping urbanisation, development should be confined to existing boundaries.	

Discussion:

Submission **13/2** is already partially addressed through the RGS, which has been given effect to by RPS Change 6. More specifically, the ARC is required under Section 40 of the LGAAA to make changes to its regional policy statement to give effect to the growth concept contained within in the RGS. Those changes must contribute to matters set out in Schedule 5, that is, land use and transport policy changes supporting a *compact, sustainable urban form and sustainable urban land use intensification*. The growth concept as set out in the RGS refers to containment within the MULs, and limits extensions to the MULs to specific areas only, provided certain provisions can be met, as specified within the RGS growth concept.

Plan Change 6 does therefore meet the submitters' request by not allowing for the 'creeping urbanisation' described, but rather seeks a planned urban development which satisfies all relevant matter considered under Schedule 5 etc.

RECOMMENDATION:

5.11 The Panel recommends:

5.11.1 Submission **13/2** is accepted in part with no changes recommended to the RPS.

7 Whole RPS Change Take account of environmental issues

N0.	Submitter	Summary of Decision Sought	Further Submitter/s
31/1	Elizabeth Collins	Amend RPS to take into account environmental issues, specifically in respect of Hobsonville and Long Bay (see also 31/2 and 31/3).	Support and Opposed By: 257 Waitakere City Council

Discussion:

Submission **31/1** is broad in its context (i.e. environmental issues), but specific in application (Long Bay and Hobsonville).

RPS Change 6 changes those parts of the RPS as they relate to and affect the integration of land use and transport. It also gives effect to the growth concept of the RGS, given those matters outlined in Schedule 5 of the Act. It is considered that these changes, together with the operative provisions of the RPS relating to such matters as significance to iwi, environmental protection, monitoring, integration and administration of resource management, will achieve the relief sought by the submitter. Hence it is not necessary to change the RPS as proposed by this submitter.

RECOMMENDATION:

5.12 The Panel recommends:

5.12.1 Submission **31/1** is rejected

5.13 That further submissions in support of or in opposition to the submissions noted in 5.12 above, are accepted or rejected, in whole or in part, accordingly

8 Various Beachlands Coastal Settlement

N0.	Submitter	Summary of Decision Sought	Further Submitter/s
15/1	Karaka Park Limited	Amend the proposed strategic direction (2.5) to exclude the Beachlands Coastal Settlement. This should be managed by MCC under the Beachlands Village Study. (see also submissions 15/2 and 15/3)	Support and Opposed By: 257 Waitakere City Council

15/2	Karaka Park Limited	Amend ARC objectives (2.6.1) to exclude the Beachlands Coastal Settlement; this should be managed by MCC under the Beachlands Village Study.(see also submissions 15/1 and 15/3)	
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Discussion:

With respect to submissions **15/1** and **15/2**, reference is made to *Schedule 1: High Density Centres and Corridors and Future Urban Areas* of the Plan Change, which indicates those areas within the region which have been determined as appropriate for accommodating growth and/or intensification (including where appropriate, rural and coastal settlement development). This schedule is determined by and for relevant TA's and the ARC via the Sector Agreements – a non-statutory document to implement the RGS. The sector agreement relevant to this submission is the Southern Sector Agreement, to which MCC, FDC and PDC are partner to. Consequently, the submitter's concern that Beachlands coastal settlement should be managed by MCC, is already satisfied.

Further, Sections 2.5 and 2.6.1 of the RPS contain broad level strategic direction and objectives for the Auckland Region as a whole. As a strategic policy document, direction and objectives are not specified in relation to certain areas of the region. It is considered inappropriate to exclude a specific settlement such as the Beachlands Coastal Settlement, from these provisions.

RECOMMENDATION:

5.14 The Panel recommends:

5.14.1 Submissions **15/1** and **15/2** are rejected.

5.15 That the further submissions made in support of or in opposition to the submissions noted in 5.14 above, are accepted or rejected in whole or in part, accordingly.

9 2.5 Greenfield areas

N0.	Submitter	Summary of Decision Sought	Further Submitter/s
1114/25	Britta Hietz	Either delete the following: "provide restricted opportunities for greenfields development through limited movement of the metropolitan urban limits;" Or rewrite and add defined greenfield areas to a new Schedule 1C category to reduce uncertainty. Quantify the extent of "restricted opportunities".	Supported By: 1240 Tim Cassidy 1209 Michael John Wade Opposed By: 257 Waitakere City Council Support and Opposed By: 1239 Oruawharo Marae Trust Board
20/1	Waterside Group Developments Limited	Amend section 2.5 by adding bullet point to paragraph that commences "An overview of the issues arising in the Region..", to read: <i>Encourage the development of Greenfield areas within the metropolitan limits that have long been identified as available for urban development but are not identified as town centres, transport nodes or corridors;</i>	Opposed By: 107 Westfield (New Zealand) Limited 108 Progressive Enterprises Limited Support and Opposed By: 257 Waitakere City Council

Discussion:

It is considered inappropriate to delete the bullet point mentioned by submitter **1114/25**, as the bullet point acknowledges proposed and future MUL boundary shifts to allow for greenfield development, such as in WCC – Babich, Massey North and Penihana as they are commonly referred to. Schedule 1 already identifies greenfield areas for future development, such as Takanini, Hingaia, Westgate, Albany, Greenhithe, Long Bay and Orewa/Silverdale. It is therefore considered that the extent of the "restricted opportunities" is already adequately qualified in that Schedule, as informed by the sector

agreements. It is therefore considered unnecessary to include an additional schedule as suggested by the submitter.

Submission **20/1** seeks to encourage greenfield development in areas not necessarily identified as town centre or node or corridor, within the MUL. The strategic direction, associated policies, objectives and methods of the operative ARPS or as proposed by RPS Change 6; does not discourage intensification and development within the MUL where it has been deemed appropriate by the relevant TA in accordance with District Plans, which are required to give effect to this growth concept of intensification and integration of land use and transportation. Reference is made to policy 2.6.5.12 which enables development in existing urban areas outside of those areas listed in Schedule 1, subject to meeting other appropriate policies, which seek to focus development towards higher density centres and corridors. On this basis the submission is rejected.

RECOMMENDATION:

5.16 The Panel recommends:

5.16.1 Submission **1114/25** and **20/1** are rejected.

5.17 That the further submissions made in support of or in opposition to the submissions noted in 5.16 above, are accepted or rejected in whole or in part, accordingly.

10 2.6.2.1 Urban Containment – Policy 1

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
289/1	Auckland International Airport Limited	<p>Amend proposed policy 2.6.2.1 as follows (deletions in strikethrough, added text underlined):</p> <p>"Urban activities are <u>generally</u> to be contained within the metropolitan urban limits (MUL) shown on Map Series 1 and within the limits of rural and coastal settlements, <u>and urban activities located outside of the MUL are to be appropriately managed so that potential adverse effects arising from that location are avoided, remedied or mitigated. such that:</u></p> <p>a) There is no provision for new, or expansion of existing urban activities outside the metropolitan urban limits as defined and shown in the RPS, except as provided for in (2) below;</p> <p>b) There is no expansion of rural and coastal settlements outside the limits of their existing urban areas except as provided for in (2) below.</p>	<p>Support and Opposed By: 257 Waitakere City Council</p>

Discussion:

The RPS seeks to contain urban activities within the MUL and the urban limits of coastal and rural settlements, through an appropriately structured strategic policy framework that provides certainty and guidance for the region’s various District Plans and policy documents. The suggested amendments by submission **289/1** increases the “generality” of the policy and therefore uncertainty, and could potentially undermine the intent of the RGS and growth concept. On this basis, it is considered the submission should be rejected.

RECOMMENDATION:

5.18 The Panel recommends:

5.18.1 Submission **289/1** is rejected

5.19 That the further submissions made in support of or in opposition to the submissions noted in 5.18 above, are accepted or rejected in whole or in part, accordingly.

11 2.6.2.2 Urban Containment – Policy 2

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
290/1	Ardmore Airport Limited	Amend 2.6.2.1 by inserting a new exception 2(a) which provides for the continued operation and development of existing areas specifically zoned for Urban Development located outside of the MUL.	Supported By: 289 Auckland International Airport Limited Opposed By: 107 Westfield (New Zealand) Limited 257 Waitakere City Council
257/19	Waitakere City Council	Amend the wording of Policy 2.6.2.2vi to include reference to other features that may be utilised to clearly define the MUL to the satisfaction of Waitakere City Council. In particular streams, open space, and motorways should be referenced.	Supported By: 76 Ivan & Milka Selak 74 Roy Wigg 75 Steve Nuich 1210 Rob Garden 205 Fulton Hogan Limited (1) 204 The Waitakere Ranges Protection Society Incorporated Opposed By: 258 Auckland Regional Transport Authority

Discussion:

Submitter **257** (Waitakere City Council) presented evidence at the hearing in support of submission **257/19**. In particular, the following points were raised:

- greater certainty in determining the MUL boundary should be given
- water and visual catchments are not the predominant determinants of existing MUL boundaries
- motorways, streams and open space are currently used as boundaries
- including specific reference to such features in the policy will result in greater certainty for all involved

Further Submitter **205** (Fulton Hogan Ltd) tabled evidence at the hearing, stating that they continue to support Submission **257/19**, for the reasons set out in their further submission.

Submitter **290** (Ardmore Airport Ltd) presented evidence on RPS Change 6 generally. In their view, the current wording of RPS Change 6 has the potential to either prevent or significantly frustrate the future efficient use and development of the Ardmore Airport land resource.

With respect to submission **257/19**, the RPS provides a regional overview with respect to urban activities outside the MUL (amongst other things), through a strategic policy framework, policy 2(vi) requires that any proposed extension to the MUL or rural/coastal settlement limits provides a clear differentiation between rural and urban areas. The two examples given (water catchment boundaries and/or visual catchment boundaries) are not all-inclusive – i.e. the policy does not prevent other features (such as streams, motorways or open space) where appropriate, being used as a boundary, provided there is clear differentiation between rural and urban. The amendment requested by submission **257/19** is therefore considered unnecessary.

The definition of 'urban area' in the ARPS includes "...the areas included within the urban zones of rural or coastal settlements." As such, any area outside the MUL that has existing urban zoning is considered to be an 'urban area'. The continued operation and development of urban areas is already provided for by the ARPS. The definition in the RPS which sets out the limits to rural and coastal settlements has been amended to provide for existing urban activity areas. This amendment encompasses Ardmore and it is noted Ardmore Airport is also listed in the RPS definition section as "Regionally Significant Infrastructure". For this reason, it is considered submission **290/1** should be accepted in part. It is also noted that the Recommendation Report ARC 3- Infrastructure & Rural Issues recommends the following addition to Policy 2.6.2.1, as a result of submission **257/16**:

"Within rural and coastal settlements, appropriate urban activities will be supported."

If adopted, it is considered that this will also address the concerns of submitter **290/1**.

RECOMMENDATION:

5.20 The Panel recommends:

5.20.1 Submissions **290/1** is accepted in part.

5.20.2 Submission **257/19** is rejected.

5.21 That in satisfaction of recommendation 5.20.1 above, the Auckland Regional Policy Statement is amended to the extent indicated in Appendix 1. That is, the definition of "*Limits to rural and coastal settlements*" is amended to include "*existing urban activity areas*".

5.22 That the further submissions made in support of or in opposition to the submissions noted in 5.20 above, are accepted or rejected in whole or in part, accordingly.

12 2.6.3.1 Urban Containment – Method 1

N0.	Submitter	Summary of Decision Sought	Further Submitter/s
318/3	M.L.W Adams Family Trust	Delete Method 2.6.3.1. Urban containment is opposed because it requires district plans to include absolute provisions when the purpose of the RMA is the sustainable management of natural and physical resources.	Opposed By: 257 Waitakere City Council

Discussion:

Urban containment through the use of the MUL has been tested through the RMA and reviewed by the Court of Appeal ten years ago. In the context of the sustainable management milieu of the RMA, it is an appropriate method for urban containment in the Auckland region, given the growth pressures on the environment and therefore the need to sustainably manage all resources – natural, physical, social, economic and cultural; over the long-term planning period. Consistency is also required to be provided through the District Plans to achieve this regional objective under the Act and RMA. Overall, it is considered that the relief requested in submission **318/3** is contrary to the purpose and principles of both LGAAA and the RMA.

RECOMMENDATION:

5.23 The Panel recommends:

5.23.1 Submission **318/3** is rejected.

5.24 That the further submission made in opposition to the submission noted in 5.23 above, is accepted.

13 2.6.3.2 Urban Containment – Method 2

N0.	Submitter	Summary of Decision Sought	Further Submitter/s
257/25	Waitakere City Council	Amend the Plan Change to include as a new method, that District Plans may specify where	Supported By: 95 Housing New Zealand

		intensification is not appropriate within the MUL and in the coastal and rural settlements.	Corporation (1) 196 Winstone Aggregates 204 The Waitakere Ranges Protection Society Incorporated 284 Oratia Landowners Action Group Opposed By: 1226 Titirangi Residents for Balanced
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Discussion:

Waitakere City Council (257) presented evidence at the hearing in support of their submission, noting that it was often better to be explicit than to leave the interpretation of the RPS to applicants and/or the Environment Court.

As a high level and regionally strategic document, the RPS does not specifically identify areas within the MUL or coastal and rural settlements, as unsuitable for intensification. This is more appropriately the function of the TA's various objectives, policies and rules and methods of the District Plans to determine; having considered and taking cognisance of the policies and methods of the RPS. With regard to submission 257/25, particular reference is drawn to 2.6.1 Strategic Objectives, policies and methods of Urban Structure (2.6.5 policies and 2.6.6 methods 1 – 8 in particular), in addition to the policies and methods of Urban Containment under 2.6.2 and 2.6.3 of the RPS; as already largely addressing the submitters' request.

RECOMMENDATION:

5.25 The Panel recommends:

5.25.1 Submission 257/25 is rejected

5.26 That the further submissions made in support of or in opposition to the submissions noted in 5.25 above, are accepted or rejected in whole or in part, accordingly.

14 2.6.3.3 Urban Containment – Method 3

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
255/53	Papakura District Council	Retain Method 2.6.3.3 (i) & (iv).	Supported By: 257 Waitakere City Council 258 Auckland Regional Transport Authority
258/3	Auckland Regional Transport Authority	Retain Method 2.6.3.3(iv)	Supported By: 257 Waitakere City Council
289/5	Auckland International Airport Limited	Amend 2.6.3.3(vi) as follows (deletions in strikethrough, added text underlined): <i>"Where air quality management issues are particularly relevant to the proposed extension to the MUL, aAn assessment of how theythe air quality management issues will be addressed."</i>	
259/25	Transit New Zealand	Retain proposed clause (vi) of Method 2.6.3(3).	Supported By: 257 Waitakere City Council Opposed By: 264 Centre for Urban and Transport Studies 157 Federated Farmers of New Zealand (Inc)

Discussion:

Auckland Regional Transport Authority (**258**) tabled evidence at the hearing in support of the Officer's assessment that method 2.6.3.3(i) and (iv) are integral, and that Submissions 255/53 (and further submission 258), and 258/3 be accepted.

Transit New Zealand (**259**) also tabled evidence in support of the Officer's recommendation that Submission 259/25 be accepted, and asked that the information presented in their original submission be considered by the hearing panel.

Centre for Urban and Transport Studies (**264**) presented evidence in support of their further submission in opposition to submission 259/25. The key message within this evidence is that the Regional Growth Strategy is based on a 30 year old American 'Smart Growth' town planning construct. No specific evidence was given with respect the submitter's opposition to submission 259/25.

Auckland International Airport Ltd (**289**) tabled evidence with respect to their submission point 289/5. Submitter 289 is supportive the changes recommended to this method as a result of Submission 250/9, however still considers that such an assessment (of air quality management issues and potential health effects) should only be required where any such issues are present. As such, the submitter suggested the following wording, to satisfy the concerns of both submissions 289/5 and 250/9: '*an assessment of how any the air quality management issues and potential health effects will be addressed*'.

The items mentioned in methods 2.6.3.3(i) and (iv) are considered integral to the assessment of potential extensions to the MUL. It is therefore considered appropriate that these methods be retained, as requested by submissions **255/53**, **258/3** and **259/25**.

It is noted that Method 2.6.3.3 iv has been incorporated into Strategic Policies Urban Containment, specifically 2.6.2.2 xi and is discussed in the Key Issues Report, specifically 4.8 Integrated Transport Assessments. For more discussion on this matter, refer to submission 258/18, page 39 of ARC 5.

With respect to submission **289/5**, further clarity has been provided to this method - by virtue of relief to submission 250/9 (outlined in Recommendation Report ARC 3- Infrastructure & Rural Issues) by clearly highlighting that one of the key air quality management issues is potential health risks. The relief sought by submission 289/5 assists in achieving this further clarity. On this basis, submission **289/5** is therefore accepted.

RECOMMENDATION:

5.27 The Panel recommends:

5.27.1 Submissions **255/53**, **258/3** and **259/25** are accepted with no changes to the ARPS recommended as a result.

5.27.2 Submissions **289/5** is accepted.

5.28 That in satisfaction of recommendation 5.27.2 above, the Auckland Regional Policy Statement is amended to the extent indicated in Appendix 1. That is, method 2.6.3.3(vi) [now 2.6.3.3(v)] is amended as follows: '*an assessment of how any the air quality management issues and potential health effects will be addressed*'.

5.29 That the further submissions made in support of or in opposition to the submissions noted in 5.27 above, are accepted or rejected in whole or in part, accordingly.

15 2.6.3.4 Urban Containment – Method 4

N0.	Submitter	Summary of Decision Sought	Further Submitter/s
253/20	Manukau City Council	Amend the wording of Method 2.6.3.4 to read as follows: <i>“The ARC will initiate changes to extend the metropolitan urban limits to incorporate areas identified in Schedule 1B upon request from the appropriate Council or additional areas identified through amendments to the Sector Agreements, and upon the receipt of information outlined in Method 3 above, and subject to the information addressing all relevant issues to a satisfactory standard”.</i>	Supported By: 277 JM Hayman Opposed By: 308 Caroline Greig 257 Waitakere City Council
294/23	Jon Mapes Land Solution Ltd (representing 16 parties)		Opposed By: 257 Waitakere City Council Support and Opposed By: 277 JM Hayman

Discussion:

With respect to submissions **253/20** and **294/23**; while a significant amount of work is undertaken to inform the Sector Agreements, these documents are non-statutory documents supporting the RGS. Subsequently, changes to these documents are not subject to the same stringent legislative tests of the RMA that would otherwise be applied in order to amend Schedule 1 of the RPS as outlined in the First Schedule to the RMA. These First Schedule (RMA) procedures enable the ARC to consider any proposed shifts to the MUL promulgated by a territorial authority and may reject all or part of the request under Clause 25(4) of that Schedule. This analysis may not be possible if the submitters' requests were accepted. In any case, it is considered that the submitters concerns are already partly satisfied by note 6 to Schedule 1 of the Plan Change states that *“Schedule 1 & 2 will be reviewed in the RPS once the Regional Growth Strategy Review and/or the Sector Agreement reviews have been undertaken”*. On this basis, it is considered submissions **253/20** and **294/23** should be rejected.

RECOMMENDATION:

5.30 The Panel recommends:

5.30.1 Submissions **253/20** and **294/23** are rejected.

5.31 That the further submissions made in support of or in opposition to the submissions noted in 5.30 above, are accepted or rejected in whole or in part, accordingly.

16 2.6.4 Urban Containment – Reasons

N0.	Submitter	Summary of Decision Sought	Further Submitter/s
256/14	Rodney District Council	Amend 2.6.4 (Second Paragraph) to read as follows, with additions underlined: <i>“Growth for the most part will be contained within the existing metropolitan area with development outside current metropolitan urban limits only where environmental, accessibility and community principles can be met, and the growth is of a nature or type that can not reasonably occur within the MUL.”</i>	Supported By: 107 Westfield (New Zealand) Limited 108 Progressive Enterprises Limited Opposed By: 257 Waitakere City Council
257/27	Waitakere City Council	Amend Section 2.6.4 to clarify that there are constraints on intensification in some areas within the MUL because of the presence of significant natural heritage, landscape, amenity and other values.	Supported By: 95 Housing New Zealand Corporation (1) 204 The Waitakere Ranges Protection Society Incorporated Opposed By: 1226 Titirangi Residents for Balanced
257/28	Waitakere City Council	Amend Section 2.6.4 to make explicit that urban containment is being promoted in part	Supported By: 204 The Waitakere

		to protect the Waitakere Ranges, including areas currently within the MUL.	Ranges Protection Society Incorporated Opposed By: 1226 Titirangi Residents for Balanced
20/3	Waterside Group Developments Limited	Amend section 2.6.4 by adding the following: <i>'There are areas within the metropolitan urban limits that have been identified as suitable for urban development but for various reasons have not yet been zoned to enable urban development. These areas are not all suitable for the intensive urban development proposed for the locations identified in Schedule 1. For instance, they may not adjoin existing town centres, or they may be more suited to business areas than residential. To leave these areas undeveloped is wasting the limited land resources of the Region. While TAs may not have the immediate resources to undertake the work to change their respective District Plan to enable urban development of this land, they can facilitate such development by encouraging and assisting those promoting private plan changes over such land. This includes cooperating in ensuring adequate infrastructure is in place for the new development.'</i>	Opposed By: 107 Westfield (New Zealand) Limited 257 Waitakere City Council 108 Progressive Enterprises Limited

Discussion:

With respect to submission **256/14**, the existing wording of the paragraph referred to by the submitter is in general accordance with the RGS and provides reasoning for the inclusion of Policy 2.6.2.2(ix) [now 2.6.2.2(x)], which allows for extensions to the MUL only where is demonstrated that there is insufficient capacity within the existing MUL to cater for that growth. It is considered unnecessary to make the changes suggested by this submission.

With respect to submission **257/27**, Strategic Objective 2.6.1.2 seeks to maintain and enhance the overall quality of the region, including its unique maritime setting, volcanic and heritage features, cultural and natural heritage values, and public open space. Policy 2.6.5.11 requires that existing urban areas be managed to maintain and enhance significant natural, landscape, amenity and character values. It is also noted that the Category A report recommended that Section 2.6.7 (Urban Structure – Reasons) be amended to state that planning for intensification must also take account of areas of significant natural heritage value (as a result of submission **257/36**). It is therefore considered that the RPS adequately seeks to ensure areas unsuitable for intensification due to significant natural, landscape, amenity and character values are identified and avoided. It is therefore considered unnecessary to amend Section 2.6.4 as requested by submitter **257/27**. Further, for these reasons, the relief sought by submission **257/28** is unnecessary and already addressed for the most part by Strategic Objectives under 2.6.1 – and in particular (but not limited to) 2, 7, 9 and 11 as well as policy 2.6.2 2 ii; particularly where supported by appropriate policy, rules and methods of the submitters' District Plan.

The relief that submission **20/3** appears to be seeking more certainty around the structure planning process with respect to identification of suitable land for development in the long term, the most appropriate type of development and the appropriate sequence for that development to occur, with particular regard to infrastructure provision, as well as the need to involve key stakeholders in this process. Reference is made to the third to last paragraph of RPS Change 6, clause 2.6.4 Reasons – Urban Containment beginning with *"It is expected that Catchment Management Plans and Structure Plans will be prepared....."*. The submitters concerns are considered to be met by these provisions.

RECOMMENDATION:

5.32 The Panel recommends:

5.32.1 Submission **256/14**, **257/27**, **257/28** and **20/3** are rejected.

5.33 That the further submissions made in support of or in opposition to the submissions noted in 5.32 above, are accepted or rejected in whole or in part, accordingly.

17 2.6.5.9 Provision of Infrastructure

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
257/31	Waitakere City Council	Amend Policy 2.6.5.9 by deleting those words struck through, and adding those underlined: <i>"Future urban areas should not be developed for urban uses until <u>it can be demonstrated that all necessary infrastructure is identified and can be provided. Where appropriate development can be staged.</u>"</i>	Supported By: 95 Housing New Zealand Corporation (1) 76 Ivan & Milka Selak 74 Roy Wigg 193 Contact Energy Limited 75 Steve Nuich

Discussion:

Waitakere City Council (**257**) presented evidence at the hearing in support of the Officer's recommendation with respect to this submission point.

The changes proposed by submitter 257/31 adds clarity without significantly affecting the intent of the policy. It is appropriate in some instances to stage development where it has been demonstrated that all necessary infrastructure can be provided. The Panel therefore recommends that the submission be accepted.

RECOMMENDATION:

5.34 The Panel recommends:

5.34.1 Submission **257/31** is accepted.

5.35 That the further submissions made in support of the submission noted in 5.34 above, are accepted.

5.36 That in satisfaction of recommendation 5.34.1 above, the Auckland Regional Policy Statement is amended to the extent indicated in Appendix 1. That is Policy 2.6.5.9 be amended with the following: *"Future urban areas should not be developed for urban uses until it can be demonstrated that all necessary infrastructure is identified and can be provided. Where appropriate development can be staged."*

18 2.6.17 Rural Areas - Policies

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
165/1	Whitford Residents & Ratepayers Association	Amend 2.6.17.3 to allow Whitford Plan Change to progress.	
165/2	Whitford Residents & Ratepayers Association	Amend 2.6.17.4 to allow Whitford Plan Change to progress.	
165/3	Whitford Residents & Ratepayers Association	Amend 2.6.17.5 to allow Whitford Plan Change to progress.	

Discussion:

Submissions **165/1**, **165/2** and **165/3**, seek to amend 2.6.17 – Strategic Policies Rural Areas, to specifically allow the Whitford Plan Change to progress. The submitter made a similar request in their submission point 165/4 and presented evidence in support of that submission, which was considered in Recommendation Report ARC 3- Infrastructure & Rural Issues. The submitter seeks that the ARC recognise that the Whitford Plan Change is nearing the completion of the planning process and that the application of the countryside living policies in Change 6, which restrict the provision of new countryside living capacity, not preclude the new capacity provided in the Whitford Plan Change.

To make specific reference to, or specifically allow for the progression of Manukau City Council's Proposed Whitford Plan Change is considered outside the scope of the RPS Change 6. Therefore, these submissions cannot be supported. However, amendments to the countryside living policies (discussed in Recommendation Report ARC 3- Infrastructure & Rural Issues) may assist in addressing the submitters concerns.

RECOMMENDATION:

5.37 The panel recommends:

5.37.1 Submission **165/1**, **165/2** and **165/3** are accepted in part.

5.38 That in satisfaction of recommendation 5.37.1 above, the Auckland Regional Policy Statement is amended to the extent indicated in Appendix 1. That is Policy 2.6.17 is amended in accordance with changes outlined in Appendix 1.

19 Schedule 1-1 St Lukes

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
59/2	Morningstar Enterprises Limited	Amend the Growth Areas to include the St Lukes/Morningside area as a growth area/corridor.	Supported By: 1208 Perron Developments Limited ("Perron") Opposed By: 208 Sylvia Park Business Centre Limited

Discussion:

Sylvia Park Business Centre Ltd (**208**) tabled evidence at the hearing, stating their continued opposition to Submission **59/2** and their support of the reporting officer's recommendation to reject that submission.

Submission **59/2** seeks inclusion of St Lukes/Morningside as a growth area/corridor. St Lukes/Morningside is not specifically identified in the RGS growth concept as a growth area/corridor and hence is not included in Schedule 1 of the RPS, which identifies those areas agreed to by ACC and the ARC under the Central Sector Agreement as appropriate centres for growth. A change to this Schedule of the RPS should not be pre-empted or promulgated, until such time as ACC and the ARC have determined it appropriate, subject to further capacity work and robust analysis against the criteria of the RPS, particularly 2.6 Strategic Direction and 2.6.1 Strategic Objectives. On this basis, it is considered submission **59/2** should be rejected.

RECOMMENDATION:

5.39 The Panel recommends:

5.39.1 Submission **59/2** is rejected.

5.40 That the further submissions made in support of or in opposition to the submissions noted in 5.39 above, are accepted or rejected in whole or in part, accordingly.

20 Appendix D Future Urban Area

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
20/9	Waterside Group Developments Limited	Amend definition of 'Future Urban Area' to include areas that were at the time of notification of the Plan Change within the Metropolitan Urban Limits and zoned for future urban purposes and have not subsequently been rezoned for urban purposes.	Opposed By: 107 Westfield (New Zealand) Limited 108 Progressive Enterprises Limited
253/43	Manukau City Council	Amend the definition of Future Urban Area to include areas that are already within the 1999 Metropolitan Urban Limits but do not have an operative urban zone.	Supported By: 277 JM Hayman 294 Jon Mapes Land Solution Ltd (representing 16 parties) Opposed By: 107 Westfield (New Zealand) Limited 108 Progressive Enterprises Limited

Discussion:

The definition of 'Urban Area' in the ARPS includes all land within the MUL, as well as land within the boundaries of coastal and rural settlements. As such, an amendment to the definition of 'Future Urban Area' as requested by submissions **20/9** and **253/43** would result in some areas within the MUL being defined as both an 'Urban Area' and a 'Future Urban Area'. This would create confusion and lack of clarity within the RPS. In the Panel's view, the amendment is therefore considered unnecessary.

RECOMMENDATION:

5.41 The Panel recommends:

5.41.1 Submissions **20/9** and **253/43** are rejected

5.42 That the further submissions made in support of or in opposition to the submissions noted in 5.41 above, are accepted or rejected in whole or in part, accordingly.

21 Map Series - amend

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
290/3	Ardmore Airport Limited	Amend Sheets 1-20 in Map Series 1 to identify rural and coastal settlements; and to show Ardmore Airport (including the Village Way residential area) as a rural settlement.	Support and Opposed By: 257 Waitakere City Council
50/2	Kay and Shaun Wilkinson	Amend to retain existing MUL and to provide a 20km radius 'green belt'	Opposed By: 95 Housing New Zealand Corporation (1) 254 North Shore City Council

Discussion:

With respect to submission **290/3**, the RPS is a strategic overview document for the Auckland Region and therefore only identifies the MUL boundary and not those of rural and coastal settlements. Rural and coastal settlements are identified by the relevant District Plan provisions (in Ardmore's case, the Papakura District Plan and designation) and it is unnecessary and inappropriate to amend the RPS Map Series. Instead, the definition in the RPS which sets out the limits to rural and coastal settlements has been amended to provided for existing urban activity areas. This amendment encompasses Ardmore and it is noted Ardmore Airport is also listed in the RPS definition section as regionally significant infrastructure.

Submission **50/2** seeks general protection of the MUL with an additional 20km green belt. Particular reference is drawn to 2.6.2 2. which stipulates those conditions under which MUL extensions will be considered which such proposals are required to meet to ensure that any adverse effects of the proposed urban development are minimised and that strategic outcomes of the region are achieved. It is considered that this strategic policy framework as further supported by the policies and methods set out in 2.6 Strategic Direction, will achieve the same objectives as sought by the submitter. Therefore, it is considered submission **50/2** should be rejected.

RECOMMENDATION:

5.43 The Panel recommends:

5.43.1 Submission **290/3** is accepted in part.

5.43.2 Submission **50/2** is rejected.

5.44 That in satisfaction of recommendation 5.43.1 above, the Auckland Regional Policy Statement is amended to the extent indicated in Appendix 1. That is, the definition of "*Limits to rural and coastal settlements*" is amended to include "*existing urban activity areas*".

5.45 That the further submissions made in support of or in opposition to the submissions noted in 5.43 above, are accepted or rejected in whole or in part, accordingly.

APPENDIX 1

Recommended amendments to RPS Change 6

See the attached Panel Recommendation Version of RPS Change 6, which forms Appendix 1 to this report. Appendix 1 incorporates the amendments to RPS Change 6 resulting from all Panel recommendations.